

TOMPKINS COUNTY LOCAL LAW 413 - 1998
Regulating the Self-Service Sale of Tobacco Products

SECTION I. PURPOSE

Prohibiting the self-service sales and open displays of tobacco products will promote the health safety and welfare of residents of Tompkins County under the age of eighteen by making it more difficult for such minors to purchase tobacco products.

SECTION II. DEFINITIONS

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

1. "Business" shall be defined as in subdivision two of section 1399-n of the Public Health Law.
2. "Business" means any sole proprietorship, joint venture, corporation or other business entity formed for profit or gain, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, engineering, architectural or other professional services are delivered.
3. "Person" shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
4. "Self-service merchandising" means open display of tobacco products at the public area without the intervention of an employee.
5. "Tobacco product" means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.
6. "Tobacco retailer" shall be defined as in subdivision 1-cm of section 1399-n of the Public Health Law.
7. "Tobacco retailer" means any person or governmental entity that operates a store, service booth, concession, or other place at which sales of tobacco products are made for purchase for consumption or use.

SECTION III. REGULATION OF THE SALE OF TOBACCO PRODUCTS

No person, business, or tobacco retailer shall sell, permit to be sold, offer for sale or display any tobacco product by means of self-service merchandising. This section shall not apply to the sale of tobacco products in vending machines located in a bar or in vending machines in the bar area of a room service establishment with a valid on-premises full liquor license or in a tobacco business.

SECTION IV. VIOLATIONS AND PENALTIES

Any person, business, or tobacco retailer, or owner, manager or operator of any establishment subject to this local law who fails to comply with any provision of this local law shall be guilty of a violation as defined by Section 55.00 of the Penal Law and be subject to a fine of up to \$1,000 for a first violation and a fine of up to \$2,500 for a second or succeeding violation or by imprisonment of not more than fifteen days or by both such fine and imprisonment. Any peace officer or police officer within the County of Tompkins is authorized to enforce this local law. The County Board of Health and the Public Health Director are authorized to enforce this local law in the same manner as the County Sanitary Code.

SECTION V. STAVMORY SEVERABILITY

If any provision, clause, sentence or paragraph of this local law or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or this local law which can be given effect without the invalid provisions or application, and to this end the provisions of this local law are declared to be severable.

SECTION VI. EFFECT DATE

This local law shall take effect September 1, 1998.